

BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION) DOCKET NO.
On Its Own Motion) 11-0546
-vs-)
COMMONWEALTH EDISON COMPANY)
)
Evaluation of experimental)
residential real-time pricing)
program.)

Springfield, Illinois
Tuesday, April 17, 2012

Met, pursuant to notice, at 9:45 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES :

MS. JESSICA L. CARDONI
MR. JOHN SAGONE
Office of General Counsel
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

(Appearing via teleconference
on behalf of Staff witnesses of
the Illinois Commerce
Commission)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 **APPEARANCES: (Continued)**

2 MR. JOHN ROONEY
ROONEY RIPPKE & RATNASWAMY, LLP
3 350 West Hubbard Street, Suite 430
Chicago, Illinois 60654

5 (Appearing via teleconference on
behalf of Commonwealth Edison
Company)

MR. RONALD D. JOLLY
7 MR. GRAHAM McCAHAN
Department of Law
8 City of Chicago
30 North LaSalle, Suite 900
9 Chicago, Illinois 60602-2580

10 (Appearing via teleconference
on behalf of the City of
11 Chicago)

12 MS. CATHY C. YU
Public Utilities Bureau
13 Illinois Attorney General's Office
100 West Randolph Street, 11th Floor
14 Chicago, Illinois 60601

15 (Appearing via teleconference on
16 behalf of the People of the
State of Illinois)

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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 11-0546. The Commission initiated this docket against Commonwealth Edison for the purpose of evaluating its Experimental Residential Realtime Pricing Program.

May I have the appearances for the record, please?

MR. ROONEY: Your Honor, on behalf of Commonwealth Edison Company, John Rooney of the firm Rooney, Rippie and Ratnaswamy, L.L.P., 350 West Hubbard Street, Suite 430, Chicago, Illinois 60654.

MS. CARDONI: On behalf of the Staff witnesses for the Illinois Commerce Commission, Jessica Cardoni and John Sagone, 160 North LaSalle, Suite C-800, Chicago, Illinois 60601.

MS. YU: On behalf of the Office of the Illinois Attorney General, Cathy Yu, 100 West Randolph Street, Chicago, Illinois 60601.

MR. JOLLY: On behalf of the City of Chicago, Ronald D. Jolly and Graham McCahan, 30 North LaSalle,

1 Suite 1400, Chicago, Illinois 60602.

2 JUDGE ALBERS: Any others wishing to enter an
3 appearance?

4 (No response.)

5 Let the record show no response.

6 Any other preliminary matters?

7 MR. ROONEY: Your Honor, maybe it might be
8 helpful to give you an update on kind of where things
9 stand and then get your input.

10 JUDGE ALBERS: My next thought was that I note
11 that I received the ComEd testimony along with the
12 stipulation attached to Mr. Garcia's testimony, and
13 it appears to me that all the parties are in
14 agreement. But go ahead, Mr. Rooney, if there is
15 anything else you would like to add to that.

16 MR. ROONEY: No, I think you summed it up
17 succinctly. We did file a stipulation also
18 separately, just to make sure it was reflecting that
19 approach. I think it is safe to say that all the
20 parties have arrived at an agreement on going
21 forward. And I guess, absent any questions that you
22 may have regarding what was filed or within the

1 stipulation, we were going to propose that we either
2 today or, if you have questions, at a date shortly
3 thereafter seek to just move to have the testimony
4 admitted into evidence via affidavit and also the
5 stipulation as well. And then we would be proposing
6 to prepare a draft Order that we would circulate to
7 the parties, get their sign off and then file it as
8 an agreed-to draft Order.

9 JUDGE ALBERS: That's similar to my thinking as
10 well. What I was going to suggest -- I was able to
11 read the stipulation. What I was going to suggest is
12 that, because I have not had time to review the
13 actual testimony and other details of this, I would
14 like to do so before closing the record, but I don't
15 anticipate anything extensive on my part.

16 My suggestion is that the parties go
17 ahead and -- I am sorry, ComEd go ahead and offer its
18 affidavits and we just continue this generally. And
19 if I do have questions, I can schedule something at
20 which I can get those answered. And if I don't have
21 questions, I can just issue a ruling admitting the
22 exhibits via the affidavit -- and the affidavits and

1 go ahead and mark the record heard and taken then.

2 MR. ROONEY: Great.

3 JUDGE ALBERS: Does that seem efficient?

4 MR. ROONEY: No, I have no objections from

5 ComEd.

6 JUDGE ALBERS: Does anyone else have any

7 concerns or think of anything I didn't think of with

8 that proposal there?

9 MS. CARDONI: Sounds fine with Staff, Judge.

10 JUDGE ALBERS: Okay. I don't hear anyone

11 voicing any concerns, so. And I appreciate the offer

12 of a draft Order.

13 As far as when I should expect the

14 affidavits then, when should I look for those?

15 MR. ROONEY: Well, we will have the affidavits

16 in probably within the next couple of days, Judge.

17 JUDGE ALBERS: Okay, that's fine.

18 MR. ROONEY: A couple of folks are out of town,

19 so I just want to make sure we have them.

20 JUDGE ALBERS: That's fine. So like by Monday?

21 MR. ROONEY: Yes. Next Monday we will have

22 executed affidavits filed.

1 JUDGE ALBERS: All right. Then I will try to
2 read this as soon as I can.

3 And generally when might we expect a
4 draft Order?

5 MR. ROONEY: Well, why don't we plan on two
6 weeks from today? That will make sure that you have
7 everything you need and you are satisfied with what
8 you need and then we can circulate something to the
9 parties in the interim and get it ready to go. If we
10 can get it sooner, we will, but plan on May 1.

11 JUDGE ALBERS: That's fine with me. Is that
12 okay with everybody else?

13 MS. CARDONI: Fine with Staff.

14 JUDGE ALBERS: All right. Well, anything else
15 for the record today?

16 MR. ROONEY: No, Your Honor.

17 JUDGE ALBERS: All right. Well, thank you,
18 everyone, and with that I will just continue this
19 matter generally.

20 (Whereupon the hearing in this
21 matter was continued generally.)

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